### **City of Brookings**

# **WORKSHOP** Agenda

### **CITY COUNCIL**

Monday June 7, 2021, 4:00pm

City Hall Chambers, 898 Elk Drive, Brookings, OR 97415

#### A. Call to Order

#### **B. Roll Call**

#### C. Topics

- **1.** St. Timothy's Episcopal Church Change of Use [PWDS Pg. 1]
  - a. BMC Land Development Code sections relative to St. Timothy's change in use [Pg. 4]
  - **b.** Neighborhood Petition [Pg. 6]
  - **c.** Peter's Letter October 10, 2020 [Pg. 9]
  - **d.** Curry Coastal Pilot, January 9, 2020 Linda Pinkham "St. Tim's serving up food and fellowship" [Pg. 11]
  - **e.** Episcopal Diocese of Oregon, October 20, 2017 "Congregation Close Up, St. Timothy's, Brookings" [Pg. 18]
  - **f.** City of Brookings Temporary Rule 2020-1, Camping by homeless on property of religious institutions [Pg. 22]

### **D. Council Member Requests for Workshop Topics**

### E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the EOC Building will be limited and social distancing of six (6) feet will be required and maintained.

### CITY OF BROOKINGS

### COUNCIL WORKSHOP REPORT

Meeting Date: June 7, 2021

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

#### Subject:

St. Timothy's Episcopal Church - Change of Use

#### Background/Discussion:

St. Timothy's Episcopal Church is located at 401 Fir Street in a residential zone designated as R-1 single family residences with a minimum of 6000 square foot lot size. The single family residential (R-1) district allows for single family dwellings outright. Per section 17.124.100 of the Brookings Municipal Code, churches are allowed in an R-1 district with a conditional use permit. St. Timothy's Church was developed prior to codification of the land development code thereby placing the property into a "nonconforming use" or "de facto conditional use" status.

In 1999 the Planning Commission approved a request from St. Timothy's for minor change (MC-1-99) to their nonconforming de facto conditional use permit in order to expand their building to include additional worship space. At that time, then St. Timothy's building committee member Bernie Lindley and Rev. William Smith stated in their finding of facts that there would be no significant increase in traffic to the property due to the addition. The Church at that time had 17 off street parking spaces and with the addition would have been required to provide 22 off street parking spaces. Staff prepared the final conditions of approval without the required 5 additional parking spaces stating that the addition would generate negligible traffic. The Planning Commission approved the staff proposed conditions. Since then, additional parking spaces have been added as there are approximately 26 parking spaces currently. In 2007 a building permit was pulled for the construction of a storage shed.

	Parking Spaces
St. Timothy's	26
Star of the Sea Catholic	156
Trinity Lutheran	92
Seventh Day Adventist	50
Presbyterian	50
Living Waters Four Square Gospel	50
First Baptist Community*	0
Calvary Assembly of God	53
Grace Bible	40

<sup>\*</sup>established parking agreements with neighboring properties with off street parking

In 2009 St. Timothy's opened a health care and dental clinic operated out of the downstairs (basement) area. The facility was open from 1-4pm every Tuesday and in the four years the clinic was open served over 1750 patients. There is no record of a minor change to the conditional use permit for this activity. They are currently operating a COVID vaccination clinic.

In 2009 St. Timothy's began providing meals two days a week. In a Curry Pilot article on January 9, 2020 by Linda Pinkham – "St Tim's serving up food and fellowship" it is stated that between 60-70 show up at the church for meals, some of them are either on fixed incomes, experiencing homelessness, families or the working poor. Staff believes St. Timothy's Church is operating a commercial kitchen without a permit. Staff also believes St. Timothy's is operating in the capacity as a "Mission" would for they are providing shower facilities including the offering of clothing, hygiene kits and dignity bags every Monday, Wednesday and Friday morning as well as free hair cut's during soup kitchen hours. In addition staff is aware that individuals have listed the church as their physical address in order to establish businesses, receive mail and to facilitate eligibility for social services. There is no record of a minor change to the conditional use permit for this activity.

Since the opening of the soup kitchen at St. Timothy's in 2009 there has been a significant increase in calls for service through dispatch of the Brookings Police Department by comparison to other churches in residential neighborhoods.

	<u>2010</u>	<u>2020</u>
	0	1.7.4
St. Timothy's*	8	154
Star of the Sea Catholic*	5	24
Trinity Lutheran*	4	20
Seventh Day Adventist*	2	19
Presbyterian*	5	13
Living Waters Four Square Gospel	2	7
First Baptist Community	4	7
Calvary Assembly of God	7	7
Grace Bible	0	0

<sup>\*</sup>Represents churches that are currently or have offered dine in or take out meal services.

In 2020, the City of Brookings issued a permit for a maximum of three car campers in the parking lot of St. Timothy's. On several occasions during the active permit they have exceeded the amount allowed. There have been no other requests for a temporary car camping permit from other churches in the city.

A neighboring resident of St. Timothy's presented a petition at a City Council meeting in March of 2021. The petition has 29 signatures from concerned neighbors. He expressed concern regarding the subject property as he shared his negative experience with the visitors that frequent the church regularly for services he believes are offered outside the churches conditional use permit.

Staff is seeking input from Council on potential future steps to address neighborhood concerns regarding St. Timothy's change in use and need for a minor change to the de facto conditional use permit (CUP). These steps may include:

- 1. Send an official letter to Public Health Department inquiring about the operation of an unpermitted commercial kitchen that serves up to 70 meals while open.
- 2. Require St. Timothy's to apply for a Minor Change to their existing conditional use permit (MC-1-99) in order to condition the increased use of the property, not otherwise anticipated with a church, located in a residential neighborhood.
- 3. Revisit and potentially rescind temporary rule 2020-1 allowing temporary car camping authorized by the City in March 2020.

#### Attachments:

- 1. BMC Land Development Code sections relative to St. Timothy's change in use
- 2. Neighborhood petition
- 3. Peters Letter October 10, 2020
- 4. Curry Coastal Pilot, January 9, 2020 Linda Pinkham "St. Tim's serving up food and fellowship"
- 5. Episcopal Diocese of Oregon, October 20, 2017 "Congregation Close Up, St. Timothy's, Brookings"
- 6. City of Brookings Temporary Rule 2020-1, Camping by homeless on property of religious institutions

#### 17.116.090 Minor change.

The applicant may apply to the planning commission for a minor change to the site plan and/or conditions of approval of an approved planned community. The planning commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the city's services and facilities. The commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

- A. A filing fee in an amount established by general resolution of the city council. No part of the fee is refundable.
- B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.
- C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and city services and facilities. [Ord. 09-O-636 § 2; Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1. Formerly 17.116.110.]

#### 17.120.010 Continuation of a nonconforming use.

A lawfully preexisting use of a structure or site, which does not conform to the regulations for the district in which it is located, shall be deemed to be a lawful, nonconforming use and may be continued, subject to the following regulations:

- A. Routine maintenance and repairs may be performed on structures or sites.
- B. No nonconforming structure shall be moved, altered, or enlarged unless required by law, allowed elsewhere in this code, or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.
- C. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. [Ord. 09-O-637  $\S$  2; Ord. 89-O-446  $\S$  1.]

#### 17.124.100 Churches, hospitals, other religious or charitable institutions.

In any "R" district, all such uses shall be located on a street adequate to serve the use. All offstreet parking facilities shall be adequately screened from abutting property to reduce noise and other negative impacts. [Ord. 09-O-640 § 2; Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

#### 17.136.110 Violation of conditions.

It shall be unlawful for any person to violate any condition imposed by a conditional use permit. The planning commission may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Chapter 17.84 BMC. The foregoing shall not be the exclusive remedy for a violation of conditions of approval. [Ord. 09-O-641 § 2; Ord. 96-O-446.BB § 6; Ord. 89-O-446 § 1.]

#### 17.136.150 Use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, unless revoked by the planning commission for violation of the conditions of approval. [Ord. 09-O-641 § 2; Ord. 92-O-446.J § 4; Ord. 89-O-446 § 1. Formerly 17.136.160.]

# **Petition to Remove Homeless from St. Timothy Church**

Petitionisummary and	This Petition will be submitted to the City of Brookings with the purpose to reconsider allowing vagrants to continue to live
background	and congregate at St. Timothy's Church with no supervision for matters concerning public safety and the personal
	expenses of the homeowners living next to the church. In the past six months alone, vagrants have caused significant
	problems in the community including but not limited to, criminal trespassing, theft, harassment, possession of drugs,
	littering (trash and drug paraphernalia), disorderly conduct, physical altercation, and even child neglect. These types of
	hostile individuals should not be allowed to camp in a community for concerns of safety and the wellbeing of other citizens.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to remove the homeless encampment and prevent the congregation of vagrants or undesirables at St. Timothy Church.

Printed Name	Signature	Address	Comment	Date
Brandon Usry		412 Fir St. Brookings, Oregon	I have written a more detailed paper in regards to this issue.	4/9/2021
Doreen Golding	Daolding	412 First Brookings, OR		4/10/21
Justin Holmes	Bui Holand	615 old county Bd		4/10/21
Kaven Holmes	1 Halan	615 old country Rd		4/10/21
Regert. Thomps	Billings	617 old Cont RA		4/14/21
James Walsh	Janet Walsh	617 Old County Rd		4/16/21
ane Van Zelf	Wan Zelt	406 Azalea Park Rd		4.10-21
Indrea Christensen	Lindager	407 Azelea Park Rd		4/10/21
Muthe (rule)	Mathew Rosea	410 Azelea Park Rd		ulld2
JASON Mark	of fly	410 AZelea Park 20		47/6/21
AMSEI NAVARRO	and -	412 Azelea park RD		4110121
Dobra Navacro	Pero Man	412 azulen Park R		

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Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to remove the homeless encampment and prevent the congregation of vagrants or undesirables at St. Timothy Church.

Printed Name	Signature	Address	Comment	Date
Paul Rice	23~	425 AZALEA PARK Rd		4/10/20
Gabbie Settlemin	e Goldt	428 Azalea Perk Rd		4/16/21
Becky Winter	Beckyllinter	512 Pacific Ave. #3		4/10/21
MARTIA Showed	Mentin Sheph	308 FIR ST.		4/1/24
Braden Brajilby	100/10-7	-509 Fir Street		9/10/21
Barbara Baker	Barbara & Baka	433 In 11		4/10/21
1.	L. Steve Moums	434 FiR		4/10/21
Malinda R. Morris	malet am	434 FIR		4/10/21
Michele Scala		438 Fir st.		4/10/21
- ) Dier Stala	45500	438 fir 3T		4/10/21
Hithony Soda.	Both Dala	438 fust		4/10/21
Robin Stark	Blister	424 First		1/10/20

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Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to remove the homeless encampment and prevent the congregation of vagrants or undesirables at St. Timothy Church.

Printed Name	Signature A	Address	Comment	Date
AngelaEdwards	andoll	521 AT. AT		4-10-2024
MichelleGreene	We	423 Fir St.		4/10/21
Ron Street		421 FIR ST		4/10/21
Todd Rewsor	dell lusm	420 Fir St		4/10/21
Kuthlean lewzor	625	420 Fir 4		41421
CLAYTUN WELLS	A	407 FIR STREET		04/14/21

#### Dear City of Brookings,

I am writing this letter with Praise and Fear. I have lived in Brookings for the past 31 years and in the past 2 years I have seen many changes. I am speaking of our Azalea Park and the surrounding neighborhood. I believe there has been many positive changes to the park. I love that it has been made user friendly to the community. The Basketball Courts, Soccer/Flag Football Field, Softball Fields with play area, trails, Frisbee Golf and new Restrooms. I also love the clearing of some tress and the underbrush to see out in the distance as you walk. This is just to name a few. But I feel like we as a community are losing our Park.

My Fear is for our children and young adults. I have been to the park many times with my grandchildren and we have to watch where we walk because there are people coming out of the bushes, sleeping in sleeping bags and walking up to us to see if we have coins or food. My daughter who is a senior has played summer soccer, basketball and Softball at the park and we had to have her park under lights because of the people in the dark approaching her. We have even had a transient strike a whip towards our direction as we were walking through.

I feel that the majority of the issue is from St. Timothy's Church on the corner of Old County and Fir St. They hand out food all day and let transients hang out there and stroll over to the park to hang out. The transients that have motor homes or vehicles park at the church or across the street at Azalea Park and stay there. For example the city is in the process of working on the parking lot across from St Timothy's, so now we have many motorhomes parking at Kid Town with our kids there. Transients had made a camp down from the church in the bushes and the city cleaned that out. St Timothy's makes it easy for Transients to stick around the neighborhood.

On April 6, 2020 City Councilors passed a temporary emergency rule about homeless camping on religious institutions during a pandemic. I understand that, but I feel that the St Timothy's church is acting as a Soup Kitchen 6 days a week and a religious institution on Sunday. The definition of a religious institution is "Churches, temples, mosques and other places of worship and *institutions* that exist to support and manage the practice of a specific set of *religious* beliefs." The definition of a Soup Kitchen is "a place where free food is served to those who are homeless or destitute". Don't get me wrong I am sure there is some good that comes from St Timothy's but I also feel that it is a free for all most the time. I go by other religious institutions in town and if they are serving food you never see all the mischievous actions or loitering.

I know that transients have become an issue and I am not a professional on how to fix the problem, but I do know that we need to save our kids and community. We should not feel threatened, scared or fearful in our own parks, beaches and streets.

I thank you for your time reading my concerns and complaint. I truly do appreciate all the time and efforts that our city puts into making Brookings that best it can be.

Thank You

Tina Peters

541-254-0463

https://www.currypilot.com/news\_paid/photos-st-tim-s-serving-up-food-and-fellowship/article\_ed4243ea-3319-11ea-bd04-1726685ef366.html

FEATURED

## Photos / St. Tim's serving up food and fellowship

Linda Pinkham pilotnews@countrymedia.net Jan 9, 2020



Angele Holm salts the gravy. Linda Pinkham / The Pilot

Every Tuesday, lunch is served at St. Timothy's Episcopal Church in Brookings ... to anyone who wants to eat, whether homeless, hungry or just lonesome.

On this chilly day, when the doors are opened early so guests can come in to warm up, between 60 and 70 people show up at the church, at 401 Fir St.

Many of them are regulars, although several new people come each month. Some of them are on fixed incomes and eat there to stretch their pensions. Many are homeless, some are families, others the "working poor."

Lunch is served at noon, but already this morning the pans are clattering and large pots are boiling on the stove. The menu will be vegetable beef soup, baked ham, mashed potatoes with gravy, vegetables, toasted and buttered bread, and desserts.



Tracy Rutt is learning to cook. He's in his third week at the kitchen as a volunteer. Angele Holm handed over the kitchen after Dec. 31 to other volunteers.

Linda Pinkham / The Pilot

Every week for the past 11 years, Angele Holm, age 69, has been cooking, joined by about half a dozen or more fellow volunteers. She said she'll be retiring on Jan. 31.

"I started working here in 2009, when they had the free clinic," she said. "My husband was an RN. He died seven years ago.

"This year has been very challenging for me, because of Ron (Hedenskog) and John (Stover) being gone. They were my partners, but they retired last year. It was fun.

"I've decided to spend more time with my family. I have four kids, 10 grandchildren and four great-grandchildren, spread out between Cave Junction, Grants Pass and Washington. I'm going to do some traveling and fix my house up.



Eddie Klein bastes the ham while another volunteer, Angel LeMieux, checks the vegetables. Linda Pinkham / The Pilot

"I'm training Eddie Klein and Tracy Rutt," said Holm. "They will stay after I'm gone. Eddie is very familiar with the church, the community and this kitchen, and he'll get some other volunteers in here."

Klein cooks breakfast on Mondays and lunch on Saturdays, and makes bag lunches on Sundays. He's now cooking on Tuesdays, as well.

Klein said he's has been a volunteer at the soup kitchen for eight to 10 years. "I know most of the homeless folks here because, well, I'm homeless. I know Father Bernie and the 'churchies.' I know them because I am a member of the church.

"St. Tim's does a lot for the downtrodden," said Klein.

"It gives me something to do. Keeps me out of bars and houses of ill repute," he said with a laugh. "We're family oriented. It's fun."

"Eddie does everything here," Holm said, giving him a hug. "He takes care of everyone here."

In addition to providing meals several days a week, the church opens its showers upstairs for people to use every Monday, Wednesday and Friday morning.

Staff also hand out vouchers for The Old Wash House Laundromat at 97900 Shopping Center Ave. in Harbor for those who want to wash their clothing.

Holm was the last owner of Rubio's restaurant. "I had 20 years of cooking experience in restaurants before moving here. I learned how to delegate, how to push people around. Just kidding.



Tracy Rutt stirs the mashed potatoes.

Linda Pinkham / The Pilot

"Are the potatoes done yet?" Holm asks volunteer Rutt, who's in charge of the potatoes.

"Have you ever made mashed potatoes before?" she asks. "I'm not going to be here soon, so you're going to have to start thinking for yourself."

As for why he volunteers, Rutt said, "I'm a practicing Buddhist. I'm exploring that path to understand myself better through helping other people.

"This is my third week," he said. "I started from no-cook, to doing some cooking."

"He's still shaking in his boots," Holm ribbed.

"He's worried they're going to throw the food at him," said Angel LeMieux, a new volunteer.

"Angele (Holm) is changing her phone number as soon as she leaves."

The work for each Tuesday's meal begins on Sunday, when Holm decides what to cook and creates the menu. "If I don't have the menu by Sunday night, I can't sleep," she said.

On Monday, she goes shopping. Her food budget comes from the church and donations from the congregation. "I try to keep it as low as possible and use what I have first," she said.

"It runs about \$30 a week, which is pretty good for serving 60 people. I came from a family with nine children. I know how to save money."

Holm checks in again on the potatoes, which have had milk and a pound of butter added to them. "Do you think that's enough for 60 scoops? We can stretch it with some more milk. You can heat the milk in the microwave."

Then, she tastes the soup. "It'll be full up to here when it's done," she said, pointing to near the top of the 5-gallon pot, "by the time we get everything added." She likes to use fresh vegetables and adds plenty of garlic in the winter.



Rose Johnson has the day's menu done.

Linda Pinkham / The Pilot

Rose Johnson, who's 83, writes out what's on the menu. She usually gets a ride to the soup kitchen with Angele. "When she leaves, I'm going to leave, too," Johnson said.

Phillip Nelson, who's been volunteering for eight years, arrives to begin washing dishes. "They've got all the pressure, I just do the easy work," said Nelson

Other volunteers who help out each week include Linda Nelson, dishes; Ursula Greger, server; and Diana Zelmer, baker.



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# Congregation Close-up: St. Timothy's, Brookings

October 20, 2017 / Webmaster

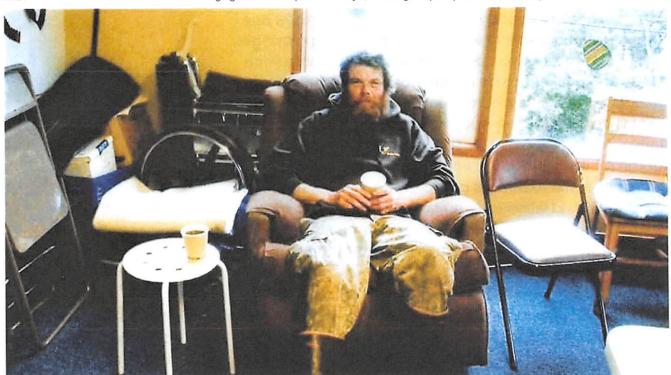


In the years before the Affordable Care Act and the accompanying Medicaid expansion in Oregon, a volunteer-run clinic at St. Timothy provided health care for 25% of the working-age population in Brookings. One day during the clinic, a man in need of attention came (it seemed) out of the bushes. Long lacking access to bathing facilities, the man's odor and unwashed skin overwhelmed the doctor and made it impossible to conduct a thorough examination. Suddenly, a long-neglected shower fixture (installed in 1984 to accommodate youth group overnights that never actually happened) took on new purpose as the doctor ushered the man in to bathe, and the shower ministry of St. Timothy was born.

With the shower already in place, the church made one other essential ministry investment: prioritizing a budget with funds to hire two parish administrators, Clare Price and Pat Brookfield, to be on site during the hours the building is open. Rev. Bernie Lindley is quick to point out that Clare and Pat are not just secretaries – they are long-time members of St. Timothy and an important part of the ministry, providing caring faces and honoring the words of Jesus to bring a group of two or three together for prayer. And when they arrive to unlock the doors three mornings each week, the people who enter step into a place of welcome – and the possibility that they have as much to give as they receive.

Over the years, people coming for showers have taken on the responsibility of making the coffee and setting out the snacks available each day, creating a hospitable communal space. St. Timothy employs no custodial staff, and it is quite common for someone to take a shower and then spend a few minutes sweeping the steps or washing coffee cups. Two men come around each week to care for the community garden, taking ownership of that space and using their skills and energy to build something for the greater good. The vegetables they grow are regularly incorporated into the sack lunches and Community Kitchen meals provided by St. Timothy's feeding ministry.

In this county of just 14,000 people, the congregation of St. Timothy has a reputation for being a vital part of the social fabric in what is a largely unchurched area. With a bivocational priest (Bernie+ works as a commercial fisherman) the congregation's enthusiasm for and ownership of ministries is critical in keeping St. Timothy's doors open to everyone.



This energy overflows into the greater Brookings community and creates connections that draw in volunteers from outside the church. Showers are just one part of being clean, and when it became obvious that the church could not meet the need to wash clothes and sleeping bags, it was a mother's friend's daughter who owns a laundromat that stepped up to offer detergent and the use of her industrial-sized washers and dryers. Another woman provides haircuts, and others – acknowledging the church's history as a trustworthy funnel of goods and services – donate clothes, money, and even vehicles. Recently, a woman hours from living in her car came to St. Timothy for help. In what can only be described as God's perfect timing, someone had just donated a fifth wheel trailer, which by that very evening was set up in an RV park, giving the woman a new home.

For Bernie+, who was baptized into the congregation as a child, served as an acolyte in his youth, and was called to consider ordination by the parish's previous priest, St. Timothy is a place of transformation. He was molded by the congregation and encouraged by their commitment to outreach and caring for people in need. He cites Matthew 25:31-46 as a guiding inspiration for the people of St. Timothy, and credits parishioners with striving to deeply embody the values of love, justice and peace that they commit to in the Baptismal Covenant.

#### Visit the St. Timothy's website.

This story was originally featured in the Summer 2017 edition of In Conversation, our diocesan magazine. To subscribe to the magazine, email Heidi Pitts, Director of Communications.



# City of Brookings

### **Temporary Emergency Rule 2020-1**

WHEREAS on March 23, 2020, the City Council by Resolution 20-R-1174 declared a state of emergency due to the COVID-19 outbreak. It also authorized the City Manager, during this temporary State of Emergency, to take actions and issue orders necessary and reasonable to protect health, safety and welfare of the City and the public and to conduct activities that minimize or mitigate the effect of the emergency, as long as such actions or orders are in compliance with City, state and federal law; and

WHEREAS the City's municipal code, BMC 8.15.087, restricts RV use within the City; and

WHEREAS the City Manager recommends that the Council temporarily allow provisions included in ORS 203.082, Camping by Homeless on property of religious institutions, limited to the period we are under the Governor's "Stay Home, Stay Safe" order for COVID-19, and only to those individuals who have been residents over six months.

NOW therefore, the Council of the City of Brookings hereby temporarily adopts Rule 2020-1 as follows:

Camping by homeless on property of religious institutions:

- (1) The City will temporarily allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.
- (2) In addition to any conditions or limitations imposed by the City, a religious institution located within the City and offering camping space described under subsection (1) of this section must:
  - (a) Limit camping space at the institution site to three or fewer vehicles at the same time; and

(b)Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.